

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARREN GILBERT,

Plaintiff,

v.

BONFARE MARKETS, INC. dba
BONFARE MARKET #43, et al.,

Defendants.

No. 1:22-cv-00605-ADA-BAM

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
PLAINTIFF'S MOTION FOR DEFAULT
JUDGMENT

(ECF No. 31)

Plaintiff Darren Gilbert ("Plaintiff") initiated this action on May 20, 2022. (ECF No. 1.) The Complaint asserts a claim for injunctive relief arising out of an alleged violation of the federal Americans with Disabilities Act and a claim for damages pursuant to California's Unruh Act. (*Id.*) On October 13, 2022, Plaintiff filed a motion for default judgment against Defendants Bonfare Markets, Inc. dba Bonfare Market #43; Sameer Abdulwahid Nagi bda Bonfare Market #43; Sanaa A. Obaid bda Bonfare Market #43; and Stop'N 'Save, Inc. (collectively, "Defendants"). (ECF No. 21.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 10, 2023, the assigned Magistrate Judge issued findings and recommendations, recommending Plaintiff's motion for default judgment be granted in part as to Defendants Sameer Abdulwahid Nagi, Sanaa A. Obaid, and Stop'N 'Save, Inc. and denied without prejudice as to Defendant Bonfare Markets, Inc. following voluntary dismissal. (ECF No. 31.) The findings and

1 recommendations also contain notice that any objections thereto were to be filed within fourteen
2 days after service. (*Id.* at 14.) No objections have been filed, and the time in which to do so has
3 passed.

4 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(c), this Court has conducted a
5 *de novo* review of the case. Having carefully reviewed the entire file, the Court finds that the
6 findings and recommendations are supported by the record and proper analysis. *See Eitel v.*
7 *McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986); *PepsiCo, Inc. v. Cal. Sec. Cans*, 238 F. Supp. 2d
8 1172, 1174 (C.D. Cal. 2002).

9 Accordingly,

- 10 1. The findings and recommendations issued on March 10, 2023, (ECF No. 31), are
11 ADOPTED in full;
- 12 2. Plaintiff's motion for default judgment is GRANTED IN PART as to Defendants
13 Sameer Abdulwahid Nagi, Sanaa A. Obaid, and Stop ' N ' Save, Inc. and DENIED
14 without prejudice as to Defendant Bonfare Markets, Inc. following voluntary
15 dismissal;
- 16 3. Pursuant to Federal Rule of Civil Procedure 54(b), the Court determines that there
17 is no just reason to delay entry of judgment;
- 18 4. The Clerk of the Court is directed to terminate Defendant Bonfare Markets, Inc. dba
19 Bonfare Market #43 only on the docket;
- 20 5. Defendants Sameer Abdulwahid Nagi, Sanaa A. Obaid, and Stop ' N ' Save, Inc.
21 are found and declared to be in violation of Title III of the Americans with
22 Disabilities Act;
- 23 6. Defendants Sameer Abdulwahid Nagi, Sanaa A. Obaid, and Stop ' N ' Save, Inc.
24 are ordered to make the following modifications to the facility known as Bonfare
25 Market #43, located at 145 North Santa Cruz Avenue, Modesto, CA, such that each
26 item is brought into compliance with the accessibility requirements of the
27 Americans with Disabilities Act and California Code of Regulations, Title 24, as
28 follows:


- a) Provide a properly configured van-accessible parking stall with an adjacent access aisle; and
- b) Provide a properly configured accessible route of travel from the designated accessible parking stall to the Facility entrance.

7. Judgment is entered in Plaintiff's favor and against Defendants Sameer Abdulwahid Nagi, Sanaa A. Obaid, and Stop'N'Save, Inc. in the amount of \$3,502.74, consisting of attorney's fees in the amount of \$1,500.00 (5 hours at \$300 per hour), paralegal fees in the amount of \$770.50 (6.7 hours at \$115.00 per hour), and costs of suit in the amount of \$1,232.24; and

8. Plaintiff is **HEREBY ORDERED** to mail a copy of this Order to each of the Defendants at that Defendant's last known address.

IT IS SO ORDERED.

Dated: June 6, 2023


UNITED STATES DISTRICT JUDGE